IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1476 OF 2006
IN
SPECIAL CIVIL SUIT NO. 392 OF 2003

M/s. Mahalaxmi Exhibitors] .. Appellants

Versus

M/s. S.P. Exhibitors] .. Respondents

Mr. Vineet B. Naik for appellants.

Mr. Amit Borkar for respondent.

CORAM: R.M. LODHA &
S.J. VAZIFDAR, JJ.

DATED: 17TH JULY, 2006

P.C. :

. On 10th July, 2006 the Appeal was adjourned to enable the parties to settle the dispute amicably.

2. The counsel for the parties submit that the dispute has been agreed to be settled between the parties. According to the agreement the appellants shall pay an amount of Rs.6,50,000/- to the plaintiff-firm within two weeks from today. Upon the said payment being made, the agreement of sale dated 11th November, 2002 shall stand cancelled and the

plaintiff-firm shall be entitled to claim refund of stamp duty paid on the agreement of sale.

3. That the counsel for the parties are authorised to make this statement is beyond doubt.

4. We accordingly dispose of the First Appeal by the following order:

(i) The appellants (defendants) shall pay jointly and severally an amount of Rs.6,50,000/- to the plaintiff-firm within two weeks from today.

(ii) The aforesaid payment shall be made by defendants to the plaintiff-firm by way of Banker’s cheque or pay order.

(iii) Upon the payment of Rs.6,50,000/- being made by defendants to the plaintiff-firm, the agreement of sale dated 11th November, 2002 shall stand cancelled and the plaintiff-firm shall be entitled to claim refund of stamp duty on the agreement of sale from the concerned authority.

(iv) The decree dated 3rd January, 2006, passed by 6th Adhoc Additional District Judge, Kolhapur stands modified in the aforesaid terms.

(v) It is clarified that in case the payment of Rs.6,50,000/- is not made by the defendants to plaintiff-firm within two weeks from today, the decree dated 3rd January, 2006 passed by the 6th Adhoc Additional District Judge, Kolhapur shall stand revived and the defendants shall be liable to pay an amount of Rs.11,05,000/- to the plaintiff-firm and the plaintiff-firm shall be entitled to execute the decree in accordance with law.

(vi) The refund of Court fee paid on the First Appeal is permitted as per Rules.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.J. VAZIFDAR, J.]